

for the necessity of a Commission to try the members of the present Government, they would have the decency to "step down and out," and not wait to be tried at all. The hon. member for East Toronto seemed to think that the easiest way to get rid of magistrates was to drop them and appoint others in their places. Were the Attorney-General, however, to follow that recommendation in the case of some friend of hon. gentlemen opposite, no matter how good a ground he might have for doing so, he (Mr. Fraser) would be surprised if some of those hon. gentlemen did not on the first opportunity denounce the Government as tyrannical and unjust. Because in these cases the Government had given persons a chance to defend themselves against charges which they declared were not true, the hon. member for South Simcoe objected. Hon. gentlemen opposite seemed to think that if a charge of deliberate wrong-doing were to be brought against a magistrate the proper way would be simply to bring an action against him and allow him to continue his evil practices. Indeed, it seemed to be impossible to satisfy hon. gentlemen as to the proper mode of enquiry. Last session they had declaimed lengthily and eloquently in regard to certain charges affecting the management of the Central Prison; and the system of inquiry which they had attacked in that case was exactly the system which they say should have been pursued in the charges now under consideration. The Minister had in that case conducted the enquiry, and examined the witnesses on oath; but they found hon. gentlemen opposite charging the Government with whitewashing their officers, and with being actuated by political motives in adopting that mode of enquiry. The expectation and the hope of the country was that educational matters should be kept entirely free from politics, but now, in view of the evident inclination of the Opposition to degrade this enquiry into a question of politics, would it have been a wise thing to have had the Central Committee charges investigated by the head of the Department? Would that have tended to keep educational matters out of the arena of politics. On the contrary, the best thing to have done was to do what had been done—to appoint a Commissioner in whom the country had every confidence, and still hon. gentlemen were not satisfied. They talked of a "whitewashing report," but he (Mr. Fraser) could hardly believe what they said in that respect. He did not believe that any hon. gentleman on the other side would say that there was any previous understanding between the Government and the Commissioner such as was implied by the words "Whitewashing report." But even when that means of enquiry was adopted, no complaint was made. No fault was found as the investigation proceeded, and no fault would have been found now, only that their desire to have certain friends of the Government condemned, rightly or wrongly, had not been gratified. (Hear, hear.) He believed that the good sound common sense of the people, and even of those in the constituencies of hon. gentlemen opposite, would endorse the action of the Government as the one best calculated to secure a full and satisfactory inquiry, and as the one which would best tend to keep our educational system free from the contact of politics. He was equally sure that the report of the Commissioner was one which would be generally approved by those who had read the evidence on which it was based. (Hear, hear, and loud cheers.)

Mr. SCOTT said he had been one who had desired that educational matters should be kept free from politics; but he had foreseen that, however desirable that might be, it would be almost impossible, as no sooner would the Opposition criticise any act of the Minister of the Department than supporters of the Government would charge them with being actuated by politics. That that fear had been justified was evident by the course of the present debate; but he wished notwithstanding to assert the right of hon. members to criticise the affairs of the Education Department the same as any other Department

of the Government. Hon. gentlemen had spoken of the Commission appointed to try the Pacific Scandal charges, but it would be remembered that that Commission had been appointed against the earnest protest of the Reform party, and that those of that party who were interested in formulating the charges had refused to appear before the Commission. The Central Prison investigation had also been referred to, but it had never yet been made apparent why that investigation had been conducted by a Minister of the Crown, as it had never been shown why the Central Committee charges should have been investigated by a Commission. Ever since Confederation it seemed to have been the rule to conduct by a Minister of the Crown inquiries which should have been referred to a Commission, and *vice versa*. The charges of cruelty and irregularity in the Central Prison on the part of those who were subordinates of the Minister might very properly have been investigated by a Commission; and that mode of inquiry would have been much more satisfactory to the people than the one which had been pursued. There was a strong suspicion that some things had been kept back in that inquiry which in the public interest should have been brought to the light of day. In truth, it seemed to be the great object of hon. gentlemen opposite to conduct their inquiries in whatever way was best for the interests of their party. The inquiry conducted by Mr. Justice Patterson would have been much more satisfactory if the Minister himself had conducted it, because the charges were of such a nature that they could only be established by the admissions of the parties accused. For example, the country was well satisfied that if the Minister of Education had inquired into the charge of collusion between Mr. Kirkland and Prof. McLellan, he would have gone no further than the coincidence between the wording of the questions and the circumstances under which they had been given in order to have found that such collusion existed. But because the Commissioner had found no actual proof of these improper relations he had dismissed the charge. The feeling in the country was that the charge had been proven, and that the reason these gentlemen had been retained was because they were friends of hon. gentlemen opposite. With regard also to the other charge, viz., that a certain publishing house had enjoyed exceptional favours from the Central Committee, the general opinion of the community was that the bottom of that matter had not been reached, and that if the Minister himself had conducted the investigation, his own good sense would have led him to conclude that he had seen enough, and that the result would have been that he would have taken decided steps to prevent the recurrence of such relations as had existed. The inference to be drawn from the remarks of the Attorney-General and the Commissioner of Public Works was that there should be a Royal Commission appointed in the case of every magistrate who was complained of; but these were matters for which the country would very properly hold Ministers themselves responsible.

It being six o'clock the Speaker left the chair.

After recess,

Mr. HODGINS said that the member for West Peterborough had questioned the constitutionality of the proceedings taken by the Minister in the Central Prison enquiry last year, and had said that the conduct of the Government was utterly indefensible. The facts were that the Minister was the representative of the Government in regard to the Central Prison that he was responsible for the officials appointed in the institution, and that it was his duty to say whether these officials had rightly or wrongly discharged their duties. It was a constitutional right of the Minister to investigate the conduct of his subordinates. He was bound to assume a personal responsibility as to whether the charges made against them were true or not. In regard to the charges in connection with the Education Department, if any one was responsible for the acts of the Central Committee and of the In-